

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-7658**

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MARIA D. GARIBAY,

Petitioner - Appellant,

v.

BEAUFORT COUNTY COURT SHERIFF; BIANCA HARRIS, Warden,

Respondents - Appellees.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. Terrence W. Boyle,  
District Judge. (5:10-hc-2239-BO)

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Submitted: March 29, 2012

Decided: April 3, 2012

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Before WILKINSON, KING, and KEENAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Maria D. Garibay, Appellant Pro Se. Clarence Joe DelForge, III,  
Assistant Attorney General, Raleigh, North Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Maria D. Garibay seeks to appeal the district court's order dismissing as untimely her 28 U.S.C. § 2254 (2006) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A) (2006). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2006). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the motion states a debatable claim of the denial of a constitutional right. Slack, 529 U.S. at 484-85.

In her informal brief, Garibay has failed to address the district court's dispositive timeliness analysis. Therefore, Garibay has forfeited appellate review of the district court's ruling. See 4th Cir. R. 34(b). Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED